

## **REMARKS**

### ***Status of the Application***

1. Claims 1-38 have been examined in this application in response to communications filed on July 30, 2008.

### ***Status of the Claims***

2. **Claims 1-2, 4-12, 14-22, 24-27, 29-34 and 36-38** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 6,496,804 to McEvoy in view of US Patent Application Publication 2005/0033639 to Myers and in further view of US Patent Number 5,832,449 to Cunningham (from the applicant's Information Disclosure Statement (IDS)).

3. **Claim 3** stands rejected under 35 U.S.C. 103(a) as being unpatentable over McEvoy in view of Myers and Cunningham as applied to Claim 2 above, and in further view of US Patent Number 5,666,490 to Gillings.

(B) As per claims 23, 28 and 35, these claims repeat features previously addressed in the rejection of claims 1-14 and are rejected on the same basis.

5. **Claim 13** stands rejected under 35 U.S.C. 103(a) as being unpatentable over McEvoy in view of Myers and Cunningham, as applied to Claim 1, above.

Applicant traverses each of the rejections and requests reconsideration.

**Claims 1, 15-27, 34 and 37 have been amended** to more explicitly claim the ability to integrate patient data with drug sample usage data in order to obtain data on the pre-identified, or prescribed, patients that are using the drug samples.

No new matter is added by way of these claim amendments.

### *Argument*

Applicant submits that this Request for Continued Examination places this application in condition for allowance by amending claims in manners that are believed to render all pending claims allowable over the cited art of McEvoy, Myers, and Cunningham.

The claim amendments presented herein more explicitly claim the ability to integrate patient data with drug sample usage data in order to obtain data on the patients that are using the drug samples. The claims as amended herein incorporate the feature of adjudicating a health plan claim that is directed to, or based on, token usage by a **pre-identified**, or **prescribed**, patient.

Support for this amendment claim feature is found in at least **Figure 2b**, and paragraphs [0042], [0045], [0046] and [0058]. Patient Name **48** comprises patient pre-identification data that is originated on a token for a specific prescribed patient by the prescriber 46, before the token is rendered or presented by that pre-identified or prescribed patient for any benefits representative thereof, such as a drug sample.

The amendments presented herein are believed by Applicant to incorporate the Examiner's previous suggestion, based on the earlier phone interview during prosecution of this case, that applicant consider amendments to the independent claims so that the ability to integrate patient data with drug sample usage data in order to obtain data on the patients that are using the drug samples was more explicitly claimed.

The cited references of McEvoy, Myers, and Cunningham, neither alone, nor in combination, discloses the Applicant's invention as presently claimed, especially with regard to use of a token, representative of benefits such as drug samples, by a specific, pre-identified or prescribed patient.

### ***Conclusion***

Applicant respectfully submits that since the Examiner's cited references neither alone, nor in combination, disclose the Applicant's invention as presently claimed, for at least the reasons set out above, the application in its present form is in condition for allowance. Action toward that goal is respectfully requested.

The Examiner is kindly invited to contact applicant's agent Henry Ohab at 416.862.3593 if it would be of assistance in resolving any issues in this application.

Date: December 29, 2008

Respectfully submitted,

/Henry Ohab/

Henry Ohab

Agent for the Applicant

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